


222 DELAWARE AVENUE, SUITE 900
P.O. BOX 25130
WILMINGTON, DE 19899
ZIP CODE FOR DELIVERIES: 19801

THE BAYARD FIRM

A T T O R N E Y S

 MERITAS LAW FIRMS WORLDWIDE

www.bayardfirm.com

302-655-5000

(FAX) 302-658-6395

WRITER'S DIRECT ACCESS

(302) 429-4208

rkirk@bayardfirm.com

ELECTRONICALLY FILED
ORIGINAL BY HAND

December 14, 2007

The Honorable Joseph J. Farnan, Jr.
United States District Judge
District of Delaware
844 King Street
Wilmington, DE 19801

Re: ICU Medical, Inc. v. RyMed Technologies, Inc.
Case No. 07-468 (JJF)

Dear Judge Farnan:

I represent defendant RyMed Technologies, Inc. ("RyMed"). I write pursuant to Local Rule 7.1.2(b) to bring to the Court's attention a recently issued order in a related case that bears on RyMed's Motion to Transfer (D.I. 10).

In its opening brief in support of the motion to transfer (D.I. 11), RyMed informed the Court that it had filed an action against plaintiff ICU Medical, Inc. ("ICU"), involving the same technology and same patents as present in the instant case, in the United States District Court for the Central District of California ("RyMed's California Litigation"), and also described other litigation in California involving ICU's technology and patents. RyMed informed the Court (at footnote 6) that it had, in RyMed's California Litigation, filed a Notice of Related Cases and Notice of Pendency of Other Actions and Proceedings requesting assignment of RyMed's California Litigation to the Honorable Mariana R. Pfaelzer. *See also* Exhibit I to the Declaration of Katherine L. Altemus (D.I. 13).

Today, Judge Pfaelzer issued an order (copy attached) accepting reassignment of RyMed's California Litigation to her docket. Judge Pfaelzer, who (as noted in RyMed's briefs) has already issued rulings in other cases involving three of the four patents in suit in the instant case, has now affirmatively assumed jurisdiction over RyMed's California Litigation, which involves all of the patents in suit in the instant case.

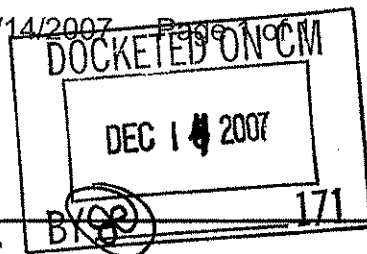
Respectfully submitted,


Richard D. Kirk (rk0922)

RDK/tn

Enclosures

cc: Counsel as shown on the attached certificate



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Rymed Technologies Inc

Plaintiff(s),

v.

ICU Medical, Inc

Defendant(s).

CASE NUMBER:

SACV 07-1199 DOC (MLGx)

ORDER RE TRANSFER PURSUANT
TO GENERAL ORDER 07-02
(Related Cases)

CONSENT

I hereby consent to the transfer of the above-entitled case to my calendar, pursuant to General Order 07-02.

December 11, 2007
Date

Mariana R. Pfaelzer
MARIANA R. PFAELZER
United States District Judge

DECLINATION

I hereby decline to transfer the above-entitled case to my calendar for the reasons set forth:

Date United States District Judge

REASON FOR TRANSFER AS INDICATED BY COUNSEL

Case SACV 04 00689 MRP (VBKx) and the present case:

- ☒ A. Arise from the same or closely related transactions, happenings or events; or
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

NOTICE TO COUNSEL FROM CLERK

Pursuant to the above transfer, any discovery matters that are or may be referred to a Magistrate Judge are hereby transferred from Magistrate Judge MARC L. GOLDMAN to Magistrate Judge VICTOR B. KENTON.

On all documents subsequently filed in this case, please substitute the initials MAP(VBKx) after the case number in place of the initials of the prior judge, so that the case number will read SACV 07-1199 MAP(VBKx). This is very important because documents are routed to the assigned judges by means of these initials. The case file, under seal documents, exhibits, docket, transcripts or depositions may be viewed at the ☒ Western ☐ Southern ☐ Eastern Division.

Subsequent documents must be filed at the ☒ Western ☐ Southern ☐ Eastern Division.
Failure to file at the proper location will result in your documents being returned to you.

From: cacd_ecfmail@cacd.uscourts.gov [mailto:caed_ecfmail@cacd.uscourts.gov]
Sent: Friday, December 14, 2007 9:58 AM
To: ecfnef@cacd.uscourts.gov
Subject: Activity in Case 8:07-cv-01199-MRP-VBK Rymed Technologies, Inc v. ICU Medical, Inc Transferring Case purs GO 07-02 (Related Case (CV 34))

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended. Direct all inquiries to ecf-helpdesk@cacd.uscourts.gov.
*****NOTE TO PUBLIC ACCESS USERS***** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 12/14/2007 at 9:53 AM PST and filed on 12/14/2007

Case Name: Rymed Technologies, Inc v. ICU Medical, Inc

Case Number: 8:07-cv-1199

Filer:

Document Number: 14

Docket Text:

ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 07-02 -Related Case- filed. Related Case No: SACV 04-00689 MRP (VBKx). Case transfered from Judge David O. Carter and Marc L. Goldman to Judge Mariana R. Pfaelzer and Victor B. Kenton for all further proceedings. The case number will now reflect the initials of the transferee Judge SACV 07-1199 MRP (VBKx). Signed by Judge Mariana R. Pfaelzer (jal)

8:07-cv-1199 Notice has been electronically mailed to:

Henry C Bunsow bunsowh@howrey.com

Don F Livornese livornesed@howrey.com

James H A Pooley jpooley@mofo.com

K T Cherian cheriank@howrey.com, lim@howrey.com

Robert Scott Wales waless@howrey.com

Kimberly N Van Voorhis kvanvoorhis@mofo.com

Marc David Peters mdpeters@mofo.com

Diana Luo dluo@mofo.com

8:07-cv-1199 Notice has been delivered by First Class U. S. Mail or by fax to: :

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on December 14, 2007, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Richard L. Horwitz, Esquire
Kenneth L. Dorsney, Esquire
Potter, Anderson & Corroon, LLP
1313 N. Market Street, 6th Floor
Wilmington, Delaware 19899

The undersigned counsel further certifies that, on December 14, 2007, copies of the foregoing document were sent by email and hand to the above local counsel and by email and first class mail to the following non-registered participant:

James Pooley, Esquire
Marc Peters, Esquire
Kimberly Van Voorhis, Esquire
Morrison & Foerster, LLP
755 Page Mill Road
Palo Alto, CA 94304

/s/ Richard D. Kirk (rk0922)
Richard D. Kirk